

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 76-79 are added, and no claims are amended or canceled (claims 1-56 were previously canceled). As a result, claims 57-79 are now pending in the application, following entry of this Amendment. Support for the newly added claims can be found throughout the disclosure, for example, at page 5 of the specification and Figure 2.

In the non-final Office Action of June 12, 2007, claims 57-64 and 66-75 were rejected under 35 U.S.C. §102(e) in view of U.S. Patent 6,219,839 (Sampsell). Claim 65 is rejected under 35 U.S.C. §103(a) in view of the Sampsell patent and further in view of the U.S. Patent 6,993,789 (Sezan).

§102/§103 Rejections in view of Sampsell / Sezan

The §102 rejection of claims 57-64 and 66-75 in view of Sampsell and the §103 rejection of claim 65 in view of the Sampsell / Sezan hypothetical combination are respectfully traversed for at least the following reasons.

As discussed in the Background section of the present application, conventional electronic program guides (EPGs) suffer from the drawback of only being capable of displaying information for tuning devices that are directly coupled with an information handling system for which the EPG is utilized. The conventional EPGs cannot display information for tuning devices

that may be coupled to a peripheral device. For example, an information handling system located in one room may be coupled with a source of television signals, e.g., cable TV signals or satellite dish antenna TV signals. In another room a VCR may have an input from a terrestrial TV antenna to receive ground-based television broadcast signals. Since conventional EPGs only provide information for directly coupled tuning devices, the ground based broadcast television signal passing through the VCR will not be displayed on the conventional EPG. The claimed invention overcomes this disadvantage. The documents cited in the rejection do not.

The Sampsell patent relied upon in the pending rejections involves an on-screen resources guide, but does not disclose both “a first tuning device...” and “a second tuning device coupled to the network and configured to send second television signals from a second source to the information handling device via the network,” as recited in claim 57. The Office contends that the second tuning device feature recited in the claims is met by the PC 54 shown in Figure 2 of Sampsell. This contention is respectfully traversed. Claim 57 recites the second tuning device “send[ing] second television signals from a second source to the information handling device via the network.” The Office proposes to consider receiver 12 as an information handling system and PC 54 as a second source of television signals. However, the PC 54 is not connected to Receiver 12, as shown in Figure 2. Furthermore, the PC 54 receives its inputs from Cable Input 42 via the Cable Modem 52. The Receiver 12 also receives its inputs from Cable Input 42. Hence, PC 54 and Receiver 12 receive inputs from the same source (Cable Input 42). So even if one altered Sampsell’s network 34 to interconnect PC 54 to Receiver 12, the input from PC 54 would not provide “second television signals from a second source” as claimed. Regarding the other independent claims, the Sampsell patent also does not disclose “wherein said network is

connected to a second tuning device configured to receive second television signals from a second source” as recited in claim 66, or “receiving, at the information handling system, second television signals from a second tuning device” as recited in claim 71.

The Office further relies upon the secondarily cited Sezan patent in the §103 rejection of claim 65. The Sezan patent involves a DTV data service application and receiver mechanism. The Sezan patent is cited specifically for the PSIP feature of dependent claim 65. The Sezan patent does not overcome the aforementioned deficiency of the Sampsell patent.

Accordingly, the Sampsell patent and the Sezan patent, either taken singly or as a hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejection is respectfully requested.

Traversal of Inherency

The Office Action contends that Sampsell’s Receiver 12 falls within the scope of “an information handling system coupled to the network and comprising a processor” recited in claim 57 because “receiver 12 inherently comprises a processor since data processing software is used.”¹ It is noted that the requirements inherency are quite strict, and for this reason it is believed that receiver 12 of Sampsell does not inherently comprise a processor. The standard for finding a feature to be inherent is set forth in MPEP §2112 which states:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.²

The mere fact that a certain thing may result from a given set of circumstances is not sufficient.³

¹ Office Action of June 12, 2007, section 4, page 3.

² MPEP §2112 quoting In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

In the present situation, the Receiver 12 of Sampsell may or may not include a processor. We do not know for sure. Sampsell states that “[s]uch a selection may activate receiver 12’s data processing software and link that software to the associated data stream.”⁴ We do not necessarily know that some unnamed processor in the Sampsell device acts upon the data processing software. It could be possible that the software may simply be linked to the associated data stream for processing elsewhere. The mere possibility that a processor may be present in the Sampsell device is not sufficient to establish the inherency of that result or characteristic. Therefore, it is respectfully requested that the rejection be withdrawn.

³ MPEP §2112 quoting In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

⁴ Sampsell, col. 5, lines 46-48 (emphasis added).

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time is required for this filing, and the Fee Transmittal filed in conjunction with this paper attends to the necessary fees. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson

Reg. No. 43,436

McGrath, Geissler, Olds & Richardson, PLLC
P.O. Box 7085
Alexandria, VA 22307

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